

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	CHAPTER 7
)	
CRYSTAL NICOLE TUCKER,)	CASE NO.: 21-57718-pwb
)	
Debtor)	
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CRYSTAL NICOLE TUCKER,)	
)	
Movant)	
)	
v)	CONTESTED MATTER
)	
LVNV FUNDING LLC ASSIGNEE OF)	
CREDIT ONE BANK, N.A.,)	
)	
Respondent)	

MOTION TO AVOID JUDICIAL LIEN

COMES NOW, Crystal Nicole Tucker (“Movant”), in the above-styled case and shows the Court the following:

1.

On October 14, 2021, Movant filed a Chapter 7 case in the Northern District of Georgia, Case No. 21-57718-pwb.

2.

This Motion is filed by the Movant under 11 U.S.C., Section 522(f) to avoid a judicial lien.

3.

Lvnv Funding Llc Assignee Of Credit One Bank, N.a. (“Respondent”) has obtained a judgment against the Movant in the amount of \$710.00, case No. 2015CM19705-TH. Said judgment was obtained on December 28, 2015 in the Magistrate Court of Clayton County in the state of Georgia.

4.

Respondent filed its judicial lien against the Movant by filing its Writ of Fieri Facias on November 29, 2016 with Magistrate Court of Clayton County and is located in Book 1322 Page 42 of the Clayton County Superior Court records.

5.

This judicial lien has created a cloud on the title of all real and personal property owned by the Movant and such lien impairs the exemptions to which Movant is entitled.

6.

The existence of the above-described judicial lien interferes with the fresh-start theory set forth in the Bankruptcy Act.

WHEREFORE, Movant prays for the following:

- a) That the judicial lien impairing the Movant's exemption be void and declared null and of no effect; and,
- b) Such other and further relief as this Court deems just and proper.

Dated: October 20, 2021

/s/ _____

Vincent Leibbrandt
GA Bar No. 318178
The Semrad Law Firm, LLC
235 Peachtree St NE
Suite 300
Atlanta, GA 30303
(678) 668-7160
Attorney for the Debtor/Movant
ganb.courtview@SLFCourtview.com

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CREDIT ONE BANK, N.A.,)	
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Respondent)	

**NOTICE OF REQUIREMENT OF RESPONSE TO MOTION TO AVOID JUDGMENT
LIEN AND OF TIME TO FILE SAME**

NOTICE IS HEREBY GIVEN that a Motion to Avoid Judicial lien pursuant to 11 U.S.C. § 522 has been filed in the above styled case on or about October 20, 2021.

NOTICE IS HEREBY GIVEN that pursuant to Local Rule 6008-1(b) NDGA, the Respondent must file a response to the motion within 21 days after service, exclusive of the day of service, and serve a copy of same on Debtor's/Movant's Attorney. In the event that no response is timely filed and served, then the Bankruptcy Court may enter an order granting the relief sought.

Dated: October 20, 2021

/s/ _____

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CERTIFICATE OF SERVICE

I hereby certify that I am more than 18 years of age and that I have this day served or caused to be served a copy of the within ***Motion to Avoid Lien and Notice of Requirement of Response*** upon the following by EFC transmission and/or depositing a copy of the same in U.S. Mail with sufficient postage affixed thereon to ensure delivery:

Crystal Nicole Tucker
7544 Sugarcreek Dr
Riverdale, GA 30296

LVNV Funding LLC
c/o Resurgent Capital Services
P.O. Box 10497,
Greenville, SC 29603

Lvnv Funding Llc Assignee
Of Credit One Bank, N.a.
C/O Emmett L Goodman Jr
544 Mulberry Street, Suite 800
Macon, GA 31201

LVNV Funding LLC
c/o Corporation Service Company, Reg. Ag.
508 Meeting Street
West Columbia, SC 29169

Magistrate Court of Clayton County
9151 Tara Blvd
Jonesboro, GA 30236

I further certify that, by agreement of parties, Kyle A. Cooper, Chapter 7 Trustee, was served via the ECF electronic mail/noticing system.

Dated: October 20, 2021

/s/_____
Vincent Leibbrandt
GA Bar No. 318178
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Suite 300
Atlanta, GA 30303
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